

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 2945 of 2019**

- Mohammad Saif Khan, S/o Akbar Khan aged about 28 years, R/o- Rozgari Para, In front of HDFC Bank, Kondagaon, District- Kondagaon (C.G.).

**---- Applicant**

**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station, Kondagaon Distt.- Kondagaon (C.G.).

**---- Respondent**

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For Applicant : Ms. K. Tripti Rao, Advocate.

For Respondent : Shri K. K. Singh, Govt. Advocate

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**Hon'ble Shri Justice Gautam Chourdiya**

**Order On Board**

**31/05/2019**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 264/2018, registered at Police Station- Kondagaon, Distt- Kondagaon (C.G.) for the offence punishable under Sections 307, 294 and 506(B) of Indian Penal Code and 25 & 27 of the Arms Act.

2. Allegation made against the accused/applicant -Mohammad Saif Khan is that on 05.12.2018 at around 9.30pm while the complainant- Sumit Shrivastava along with his friend Yogesh Netam was going by motorcycle, on the way the applicant had a quarrel with the complainant and during this process, the applicant assaulted the complainant with knife on his stomach as a result of which, the complainant suffered grievous injuries. On report being made to this effect, offence under Sections 307, 294, 506(B) of IPC and 25 & 27 of Arms Act was registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. She submits that there was no intention on the part of the applicant to commit murder of the complainant, the conclusion of trial is likely to take some time, the applicant is a student and therefore, he may be released

on bail.

4. On the other hand, learned State counsel opposes the bail application.

5. Heard both the parties and perused the case diary.

6. Considering the facts and circumstance of the case, the nature of injuries suffered by the complainant, the statement of prosecution witness No. 4-Dr. Basant Kumar Tode the injury found on the body of the injured is simple in nature and the fact that applicant is a student, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to grant bail to the applicant. Accordingly, the application is allowed.

7. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed before the said Court.

8. It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

**Sd/-**  
**(Gautam Chourdiya)**  
v. Judge